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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,793	08/16/2001	Michael Anthony Marra III	2001-0326	3534

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EXAMINER

SMITH, TYRONE W

ART UNIT PAPER NUMBER

2837

DATE MAILED: 03/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/930,793

Applicant(s)

MARRA III ET AL.

Examiner

Tyrone W Smith

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 12-19 is/are rejected.
- 7) ☒ Claim(s) 9-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claim 15 objected to because of the following informalities: In Claim 15, "chosen PWM values include at least one below 50 percent and one above 50 percent". Appropriate correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 7-8 and 12-19 rejected under 35 U.S.C. 102(e) as being anticipated by Williams et al (6445155).

Regarding Claims 1, 7, 13 and 16. Williams discloses a method of operating a brushless motor which includes (a) choosing at least one PWM duty cycle of interest means (Figure 1 item 45) (b) means for applying startup PWM signals or voltage to move the motor (Figure 1 item 46), a current sensor (Figure 2 item 40) for measuring the current of the motor, (c and d) performing a first test of the duty cycle is applied in two or more periods, each of the periods being in opposite polarity from the preceding period and the current is measured during each of the period (Figure 2 item(s) 42-45 and Figure(s) 4 and 5) and (e) calculating the apparent resistance of the motor (Figure 1 item 46; column 2 lines 10-67, column 3 lines 1-67, column 7

lines 20-67, column 8 lines 1-35 and column 12 lines 8-32). The steps are repeated in insure precise motor drive control.

Regarding Claim 2 and 14. Williams shows in Figure 2 item 45 two or more PWM or voltage values are chosen and sent to item 46 for processing/calculation.

Regarding Claims 3, 8, 12, 18 and 19. Williams shows in Figure 2 items 40-46, 1) applying a PWM signal or DC voltage to move the motor, 2) taking measurements of the current in the motor and 3) modifying the calculated apparent resistance. Refer to column 44-56.

Regarding Claims 4-6, 15 and 17. Williams show in Figures 4 and 5 the duty cycle comprise of four periods, which are of equal time. The voltage or duty cycle is applied with both positive and negative polarity.

4. Claims 9, 10 and 11 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art(s) of record does not disclose that the tests are conducted in order from low duty cycles to high duty cycles where each of the periods is characterized by a chopping period. The chopping period is between 10 and 100 microseconds in length. The step is the claimed invention repeats each of the tests in the same order, recording an independent array of results and discarding for each value of PWM all but the array exhibiting the lowest average current value, prior to calculating the apparent resistance of the motor.

Art Unit: 2837

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tyrone W Smith whose telephone number is 703-306-5987. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi, can be reached on (703) 308-3370. The fax phone number for the organization where this application or proceeding is assigned is 703-308-3431.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

Tyrone Smith

Art Unit 2837

  
MARLON T. FLETCHER  
PRIMARY EXAMINER